

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CLERK'S OFFICE

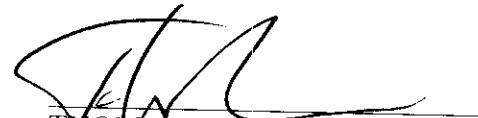
MARK BROADLEY,) CIVIL ACTION NO. 04-36420-PBS
Plaintiff)
)
V.) U.S. DISTRICT COURT
) DISTRICT OF MASS
)
MASHPEE NECK MARINA, INC.)
Defendant)

**PLAINTIFF'S ASSENTED TO MOTION FOR LEAVE TO FILE AMENDED
COMPLAINT**

The Plaintiff, Mark Broadley, requests the court for leave to amend the complaint pursuant to Fed.R.Civ.P. 15(a) in the above captioned matter. In support of this motion the plaintiff states:

1. The defendant has assented to this motion.
2. On July 22, 2004, the defendant filed a Motion to Dismiss the Plaintiff's Complaint for lack of subject matter jurisdiction pursuant to Fed.R.Civ.P. 12(b)(1).
3. On January 24, 2004, the United States Magistrate Judge issued a Report and Recommendation denying the defendant's Motion to Dismiss.
4. While the Motion to Dismiss was denied, the Report and Recommendation alternatively recommended that the plaintiff should be granted leave to amend his complaint pursuant to Fed.R.Civ.P. 15(a) so as to bring the Tort Claim under the Admiralty Extension Act, 46 App. U.S.C. § 740.
5. This is the first time the complaint has been amended.
6. A copy of the proposed amended complaint is attached.

Respectfully submitted,
by his attorney:



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